

AMENDED IN ASSEMBLY JUNE 15, 2000

AMENDED IN ASSEMBLY JULY 8, 1999

AMENDED IN SENATE JUNE 10, 1999

AMENDED IN SENATE MAY 13, 1999

AMENDED IN SENATE MAY 6, 1999

AMENDED IN SENATE APRIL 20, 1999

AMENDED IN SENATE APRIL 12, 1999

## SENATE BILL

No. 1261

### Introduced by Senator Hayden

February 26, 1999

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~~An act to add and repeal Chapter 8.5 (commencing with Section 13875) of Title 6 of Part 4 of the Penal Code, relating to the Commission on Drug Policy and Violence. An act to amend Section 340 of the Code of Civil Procedure, relating to limitation of actions.~~

#### LEGISLATIVE COUNSEL'S DIGEST

SB 1261, as amended, Hayden. ~~Commission on Drug Policy and Violence~~ *Limitations on actions: police misconduct.*

*Existing law specifies those civil actions which are subject to a one year statute of limitations, including an action for assault, battery, false imprisonment, injury or death caused by a wrongful act or neglect, seizure of property, or damages to a person in making a seizure of property.*

*This bill would provide that, notwithstanding any other provision of law, the above provisions shall not apply to any action founded on alleged misconduct by any officer of the Los Angeles Police Department and based upon any claim that any person was the subject of baseless or false criminal charges, was the subject of falsification or planting of evidence, or was the subject of an improperly procured conviction; but rather all such actions shall be filed no later than December 31, 2001, and any cause of action based on the foregoing factors shall be deemed to have accrued on December 31, 1999.*

~~Existing law establishes in the Office of Criminal Justice Planning a program of financial and technical assistance for district attorneys' offices, designated the California Major Narcotic Vendors Prosecution Law.~~

~~This bill would state findings and declarations of the Legislature, and would create in the office of the Attorney General the Commission on Drug Policy and Violence constituted of members appointed by the Attorney General, Governor, Assembly Speaker, and Senate Rules Committee, and would make it the duty of the commission to broadly assess the level and kinds of violence warranted under present state and national drug policies as specified, and to report these findings and make recommendations to the Legislature, Attorney General, or Governor no later than September 1, 2000. This bill would also provide for a study by the California State University for the purpose of summarizing research and making recommendations on these issues to the commission and the Legislature no later than May 1, 2000, as specified. These study provisions would become operative only if funds are appropriated for that purpose in the Budget Act. The bill would provide that its provisions shall remain in effect only until January 1, 2002, and as of that date are repealed, unless a later enacted statute, that is enacted before January 1, 2002, deletes or extends that date.~~

Vote: majority. Appropriation: no. Fiscal committee: —yes  
no. State-mandated local program: no.



*The people of the State of California do enact as follows:*

~~SECTION 1. (a) The Legislature finds and declares~~

*SECTION 1. Section 340 of the Code of Civil Procedure is amended to read:*

340. Within one year:

(1) An action upon a statute for a penalty or forfeiture, when the action is given to an individual, or to an individual and the state, except when the statute imposing it prescribes a different limitation.

(2) An action upon a statute for a forfeiture or penalty to the people of this state.

(3) An action for libel, slander, assault, battery, false imprisonment, seduction of a person below the age of legal consent, or for injury to or for the death of one caused by the wrongful act or neglect of another, or by a depositor against a bank for the payment of a forged or raised check, or a check that bears a forged or unauthorized endorsement, or against any person who boards or feeds an animal or fowl or who engages in the practice of veterinary medicine as defined in Section 4826 of the Business and Professions Code, for such person's neglect resulting in injury or death to an animal or fowl in the course of boarding or feeding such animal or fowl or in the course of the practice of veterinary medicine on such animal or fowl.

(4) An action against an officer to recover damages for the seizure of any property for a statutory forfeiture to the state, or for the detention of, or injury to property so seized, or for damages done to any person in making any such seizure.

(5) An action by a good faith improver for relief under Chapter 10 (commencing with Section 871.1) of Title 10 of Part 2 of the Code of Civil Procedure. The time begins to run from the date upon which the good faith improver discovers that the good faith improver is not the owner of the land upon which the improvements have been made.

(6) *Notwithstanding any other provision of law, subdivisions (1) to (5), inclusive, of this section shall not apply to any action founded on alleged misconduct by any*

1 officer of the Los Angeles Police Department and based  
2 upon any claim that any person was the subject of baseless  
3 or false criminal charges, was the subject of falsification  
4 or planting of evidence, or was the subject of an  
5 improperly procured conviction. All such actions shall be  
6 filed no later than December 31, 2001, and any cause of  
7 action based on the foregoing factors shall be deemed to  
8 have accrued on December 31, 1999.

9 all of the following:

10 (1) ~~The economic benefits of illegal drug production~~  
11 ~~and distribution are an incentive for traffickers and~~  
12 ~~dealers who utilize violence as a means of establishing~~  
13 ~~market control.~~

14 (2) ~~This activity, and its associated violence, is~~  
15 ~~widespread in California communities and correctional~~  
16 ~~institutions.~~

17 (3) ~~The state has a public safety interest in assessing~~  
18 ~~the violence associated with the illegal drug trade and~~  
19 ~~official policies of suppression, and whether there are~~  
20 ~~viable alternatives which can reduce or prevent violence~~  
21 ~~without expanding illegal drug consumption.~~

22 (4) ~~The state has a specific interest in expanding drug~~  
23 ~~treatment on community levels and within the~~  
24 ~~correctional system.~~

25 (5) ~~The state has a further interest in assessing the~~  
26 ~~degree to which gang-related violence impacting~~  
27 ~~innocent persons, law enforcement personnel, or gang~~  
28 ~~members, whether in communities or correctional~~  
29 ~~facilities, is directly associated with the drug trade, and~~  
30 ~~what alternatives may exist which can reduce or prevent~~  
31 ~~such violence.~~

32 (b) ~~Therefore, it is the intent of the Legislature to~~  
33 ~~establish the Commission on Drug Policy and Violence to~~  
34 ~~address these interests pursuant to Section 2 of this act.~~

35 ~~SEC. 2. Chapter 8.5 (commencing with Section~~  
36 ~~13875) is added to Title 6 of Part 4 of the Penal Code, to~~  
37 ~~read:~~

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CHAPTER 8.5. ~~COMMISSION ON DRUG POLICY AND~~  
~~VIOLENCE~~

~~13875. (a) There is hereby created in the office of the Attorney General the Commission on Drug Policy and Violence. The commission shall include 4 members appointed by the Attorney General, 5 members appointed by the Governor, 3 members appointed by the Speaker of the Assembly, and 3 members appointed by the Senate Committee on Rules. All commissioners shall have demonstrated experience or expertise in juvenile or gang-related crime and violence, and at least one commissioner shall have experience in administering drug and alcohol programs.~~

~~(b) The commission shall broadly assess the level and kinds of violence incurred under present state and national drug policies, focusing primarily on California, including analysis on the following for the years 1980 to 1999:~~

~~(1) Drug-related incidents of violence reported in California, by fatalities and injuries requiring hospitalization.~~

~~(2) Arrests, judicial proceedings, convictions, and incarcerations for drug offenses in California.~~

~~(3) Rates of drug or gang-related inmate violence in California Youth Authority facilities, county jails, and state prisons.~~

~~(4) Incidents of police shootings in drug-related confrontations in California, including prison shootings.~~

~~(5) Estimated rates of crime in California, including violent crime, motivated or associated with drug addiction, sales, or possession.~~

~~(6) Estimated percentage of law enforcement resources dedicated to antidrug efforts in California, and the number of fatalities or injuries to drug enforcement personnel in drug-related incidents.~~

~~(7) An analysis of the impacts on California of violence related to drug trafficking in Mexico and Latin America, including United States efforts at drug suppression.~~

~~(8) Projections of total drug-related violence in California by the year 2020 under a status quo scenario.~~

~~(9) Whether or not existing drug suppression efforts will be successful in reducing the levels of violence associated with the illegal production, distribution, and sale of drugs.~~

~~(10) Determine what is the most effective balance between the treatment, prevention, intervention, and punishment in reducing drug-related violence and which would be the most cost-effective.~~

~~(11) Whether or not efforts to suppress and contain illegal drug production, distribution, and use have led to an unprecedented expansion of law enforcement and a military war on drug cartels, resulting in increased levels of violence.~~

~~(c) The Legislature shall contract with a recognized entity at the California State University specializing in community-based research on gang violence reduction and the relationships between drugs, violence, and inner city gangs to undertake a report for the commission and the Legislature summarizing existing research and making recommendations on these issues. This subdivision shall be operative only if funds are appropriated for the purposes of the study in the Budget Act.~~

~~(d) These research findings shall be reported to the commission and the Legislature no later than May 1, 2000. The commission shall make any findings and recommendations to the Legislature, the Attorney General, or the Governor no later than September 1, 2000.~~

~~(e) This section shall remain in effect only until January 1, 2002, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2002, deletes or extends that date.~~